

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

SHELIA FAWN STOVER,

Plaintiff,

v.

CIVIL ACTION NO. 5:19-cv-00062

ANDREW SAUL¹,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 4) entered on January 8, 2019, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Pending in the matter are the Plaintiff's Brief in Support of Complaint and Motion for Remand (Document 15) and the Defendant's Brief in Support of Defendant's Decision (Document 16).

On June 6, 2019, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 18) wherein it is recommended that this Court: deny the Plaintiff's request for remand (Document 15); grant the Defendant's request to affirm the decision of the Commissioner (Document 16); affirm the final decision of the Commissioner; and dismiss this

¹At the time of the filing of this claim, and the filing of the *Proposed Findings and Recommendation*, the Defendant was listed as Nancy A. Berryhill, *Acting Commissioner of Social Security*.

matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by June 24, 2019, and none were filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that: the Plaintiff's request for remand (Document 15) be **DENIED**; the Defendant's request to affirm the decision of the Commissioner (Document 16) be **GRANTED**; the final decision of the Commissioner be **AFFIRMED**; and this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: July 3, 2019



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA